

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
March 26, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, March 26, 2014 at 9:00 a.m. in the City Council Chambers, 2<sup>nd</sup> floor of City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Darryl Bowdre
Councilmembers:	Mark Whatley Sam Mezayek Edward Moore John Nix
City Manager:	Mark McDaniel
Asst. City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Director for Innovation:	Guillermo Garcia
Neighborhood Services Manager:	Brenda Johnson
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Engineer:	Carter Delleney
Code Enforcement Manager:	Chris Lennon
Managing Director for Public Safety & Police Chief:	Gary Swindle
Director of Parks and Recreation:	Stephanie Rollings
Senior Public Relations Specialist:	Serena Butcher
Director of Planning:	Heather Nick
City Clerk:	Cassandra Brager

## **INVOCATION**

The Invocation was given by Councilmember Moore.

## **MINUTES**

Motion by Mayor Pro Tem Bowdre to approve the February 26, 2014 minutes; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented

## **EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

### **A-1 New Hires Recognitions**

The following employees were hired by the City of Tyler during the month of February, 2014. We would like to take this opportunity to welcome these new employees.

March 26, 2014

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Lindsey	Jarrett	Grants Officer	Communications
Bradley	Smith	Fire Apparatus Technician	Fire
Kamecca	Streeter	Circulation Technician Part-Time	Library
Chadd	Mikesh	Deputy Marshal I	Municipal Court
Otis	Wigley	Deputy Marshal II	Municipal Court
Raul	Medina	Crew Leader	Street
Frances	Costlow	Bus Driver Part-Time On-Call	Transit
Teresa	Johnson	Bus Driver Part-Time On-Call	Transit
Kimberly	Lacy	Senior Secretary	Vehicle Services
Allen	Meade	Truck Driver	Wastewater Collection
Stephen	Tuck	Laborer	Wastewater Collection
Kenneth	Black, Jr.	Industrial Pretreatment Inspector	Wastewater Treatment

**A-2** Request that the City Council receive the designation of Bergfeld Park as a 2014 recipient of the Lone Star Legacy Award from the Texas Recreation and Parks Society (TRAPS).

**A-3** Request that the City Council consider receiving a brief presentation from United Way of Smith County and recognize the City of Tyler employees that contributed to an excellent year of contributions.

ZONING

**Z-1** S03-14-007 GATEWAY TO HOPE (601 VALENTINE STREET)  
Request that the City Council consider approving a Special Use Permit renewal to allow for the operation of a homeless day resource room for a five year period of time. (O-2014-17)  
The following citizens spoke in favor of renewing the operation of a homeless day resource room for a five year period: Martha McCollum, Pat Mallory, Greg Grubb, Stephanie Raymer, Mark Richardson, Joel Rando, Judith Guthrie, Andrea Wilson and Bobby Curtis.

The following citizens spoke against the renewal of the operation of a homeless day resource room: Gerardo Avalos and Manuel Mendez

Motion by Councilmember Whatley; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented

March 26, 2014

**Z-2 CCO07-13-001 BRICK STREET VILLAGE**

**Request that the City Council consider approving a Commercial Corridor Overlay to be placed on 55 properties generally bounded by the west face of South Broadway Avenue, the north face of Dobbs Street, the east face of Bois D'Arc Avenue, and south face of Charnwood Street. (O-2014-18)**

Motion by Mayor Pro Tem Bowdre; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.

**Z-3 Z03-14-025 CENTENNIAL LP (9098 SOUTH BROADWAY AVENUE)**

**Request that the City Council consider approving a site plan amendment for property zoned "PCD", Planned Commercial Development District. (O-2014-19)**

Motion by Councilmember Nix; seconded by Mayor Pro Tem Bowdre; motion carried 5 - 0 - 1 & approved as presented. Councilmember Whatley abstained.

**Z-4 S03-14-008 DOUG THOMPSON (3409 McMILLAN DRIVE)**

**Request that the City Council consider recommending renewal of a Special Use Permit for the operation of a one-chair beauty shop for a five year period of time. (O-2014-20)**

Motion by Councilmember Nix; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented.

**Z-5 Z02-14-019 EUGENE AND DONNA BENNETT (5215 OLD JACKSONVILLE HIGHWAY)**

**Request that the City Council consider approving a zone change from "M-2", General Industrial District, to "C-1", Light Commercial District. (O-2014-21)**

Motion by Mayor Pro Tem Bowdre; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

**Z-6 Z02-14-020 BRENDA BERRYHILL AND HOYT FARMER (1543 EAST GRANDE BOULEVARD)**

**Request that the City Council consider approving a zone change from "AG", Agricultural District, to "C-1", Light Commercial District. (O-2014-22)**

Motion by Councilmember Nix; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

**Byron Phillips, 1220 Spring Branch Dr.** – Stated his opposition of this request. His concern is drainage in this area and how it will impact his property. As more stuff is being built in the area a lot of water will drain onto his property and cause a dangerous flooding on his lot.

March 26, 2014

**Z-7 Z03-14-021 L.C. JAMES (2320 BORDER AVENUE)**

**Request that the City Council consider approving a zone change from “R-2”, Two-Family Residential District, to “R-1B”, Single-Family Residential District. (O-2014-23)**

Motion by Councilmember Moore; seconded by Councilmember Nix; motion carried 6 – 0 & approved as presented.

**Z-8 Z03-14-022 MYRA PUCKETT (3320 OLD JACKSONVILLE HIGHWAY)**

**Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District, to “RPO”, Restricted Professional Office District. (O-2014-24)**

Motion by Mayor Pro Tem Bowdre; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.

**Z-9 Z03-14-023 POLLY RICHARDSON (520 SOUTH BONNER AVENUE)**

**Request that the City Council consider approving a zone change from “R-MF”, Multi-Family Residential District, to “AR”, Adaptive Reuse District. (O-2014-25)**

Motion by Councilmember Mezayek; seconded by Mayor Pro Tem Bowdre; motion carried 6 - 0 & approved as presented.

## **PRESENTATIONS**

**P-1 Request that the City Council hear an overview of the Veteran and Military Growth Initiative and consider endorsement.**

**Gretchen Marten, 3002 Norma Ln.** - On March 17, 2011, the City of Tyler, under the leadership of Mayor Barbara Bass, chartered the Veterans & Community Roundtable. Three years later, the Roundtable engages more than 150 individuals and organizations that serve Veterans, Guard/Reserve, and military families in East Texas. Members focus on five key Veteran and military transition issues: employment, education, housing, healthcare, and financial/legal services.

The result of the committee’s efforts was a 42 page community and economic development plan, the Veteran and Military Growth Initiative (VMGI). The VMGI outlines more than 40 strategies and tactics for veteran-focused community growth, making a strong case for how implementation will bring fresh dollars into Tyler/Smith County and cement Tyler’s reputation as the “capital of East Texas.” Since January 6, 2014, the VMGI has received endorsements from the Veterans & Community Roundtable, the Chamber’s Veterans Committee, and Tyler’s Leadership Roundtable.

Motion by Councilmember Whatley; seconded by Councilmember Nix; motion carried 6 - 0 & approved as presented.

**P-2 Request that the City Council consider hearing a presentation and approve the Comprehensive Annual Financial Report for the fiscal year ending on September 30, 2013, as presented by Henry & Peters, P.C.**

Motion by Councilmember Moore; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

**P-3 Request that the City Council consider receiving a presentation from Staff regarding recommendations for the Neighborhood Empowerment Works Program.**

**Brenda Johnson**, - Stated that in 2006, the City launched an intense and customized effort to address code violations and service needs at the neighborhood level. This effort, coordinated by the City's Neighborhood Services Department was entitled Neighborhood Empowerment Works (NEW). The City successfully completed its twelfth effort in the spring of 2012.

## **MISCELLANEOUS**

**M-1 Request that the City Council consider accepting a donation from Grace Community and Green Acres, on behalf of children from Gospel Village mentoring, to the City of Tyler in the amount of \$75,000 to be used to fund a portion of a new playground at Bergfeld Park.**

**Stephanie Rollings, Parks Director** – Stated that MHS Planning and Design of Tyler recently completed a Master Plan for improvements to Bergfeld Park. This plan was then used to design a new playground facility for the park. Council adopted the Master Plan on November 13, 2013.

Grace Community and Green Acres on behalf of children from Gospel Village mentoring have donated a sum of \$75,000 to the City of Tyler to be used for the re-development of the playground and purchase of new equipment. Additional funds are being raised for implementation of this first phase of the Master Plan

Motion by Councilmember Whatley; seconded by Councilmember Nix; motion carried 6 - 0 & approved as presented.

**M-2 Request that the City Council consider authorizing the City Manager to execute a contract with Freese and Nichols, Inc. for the full design of the Animal Care Facility Project.**

Motion by Mayor Pro Tem Bowdre; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented.

**M-3 Request that the City Council consider authorizing the City Manager to award the construction for the Community Development Block Grant (CDBG) Curb and Gutter Improvements to the low bidder, Crown Civil Construction.**

Motion by Mayor Pro Tem Bowdre; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

## **CONSENT**

**(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item.)**

**C-A-1 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1915 Shaw Street within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2014- )**

**C-A-2 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1909 Shaw Street within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2014- )**

**C-A-3 Request that the City Council consider authorizing the City Manager to approve and execute a contract with SunGard Public Sector, Inc., Microsoft, and IBM/Lenovo for the acquisition of Asset Management software and hardware.**

**C-A-4 Request that the City Council consider adoption of an ordinance revising Ordinance O-2013-114 re-affirming appointments to the Board of Directors of the Tax Increment Reinvestment Zone No. 1 (TIRZ No. 1) made in Ordinance No. O-2013-114, correcting the terms of Board members, and providing for the appointment of a new member to a vacant position. (O-2014- )**

**C-A-5 Request that the City Council consider authorizing the City Manager to sign and acknowledge a permanent right-of-way use agreement with Fair Oil, Limited for the addition of an elevator/stairwell extension into the City of Tyler right-of-way located at 223-229 South College and release an existing sidewalk and driveway easement at the same location.**

**C-A-6 Request that the City Council consider authorizing the City Manager to sign and acknowledge a permanent right-of-way use agreement with Werner-Taylor Land & Development, L.P. for the purpose of installing and maintaining various amenities in the City of Tyler right-of-way.**

**C-A-7 Request that the City Council consider authorizing the City Manager to enter into an agreement with Tyler Junior College whereby Tyler Junior College agrees to provide \$50,000, plus the cost for engineering design, towards the installation of a drainage structure across First Street at the Magnolia Drive intersection, as well as curb and gutter and paving base and surface improvements along First Street.**

**C-A-8** Request that the City Council consider authorizing the City Manager to apply for and accept funding up to \$25,000 from Smith County 9-1-1 District for the purchase of nine computers and software licenses to be used in the Tyler Police Dispatch Center for dispatch operations.

**C-A-9** Request that the City Council consider authorizing the City Manager to execute an Agreement for Access across City-owned property at Lake Tyler to Jerry L. and Sherry Y. Rhodes.

Motion by Councilmember Moore to approve the entire consent agenda; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.

## **BOARD APPOINTMENTS**

**B-1** Request that the City Council consider making appointments to the Keep Tyler Beautiful Board.

Motion by Councilmember Mezayek to approve the appointment of Pam Jacobs and Kimberly Morel; seconded by Mayor Pro Tem Bowdre; motion carried 6 - 0 & approved as presented.

**B-2** Request that the City Council consider adopting an Ordinance to increase the Animal Care Advisory Board to nine (9) members and provide for the Smith County and Tyler Junior College representatives to be designated by their respective entities and also request that the City Council appoint the Board chairperson. (O-2014-26)

Motion by Mayor Pro Tem Bowdre to appoint Marjorie Ream as chairperson; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

## **CITY MANAGER'S REPORT**

1. Summary of CIP Report

**RECESS FOR EXECUTIVE SESSION** – City Council convened into executive session at 10:53 am.

Executive Item No. 1:

Under Section 551.072 “Real Estate” deliberation regarding the following:

Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities.

Executive Item No. 2:

Under section 551.087 “Economic Development” deliberation regarding the following:

March 26, 2014

Possible offer of financial or other incentive to a prospect, and to consider financial and other information about that prospect/project with which the City is conducting economic development negotiations that could lead to a partnership in Tyler.

Executive Item No. 3:

Under section 551.071 "Litigation" deliberation regarding the following:

Pending or contemplated litigation involving suit pending against the City filed by: Daveryl Holdings, LLC;

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above.

Executive Item No. 4:

Under section 551.074 "Personnel Matters" deliberation regarding the following:

Discuss terms and conditions of City Manager's employment agreement.

**The City Council may take action as deemed appropriate on any of the above executive session items. Any final action to be taken by the City Council will be taken in open session.**

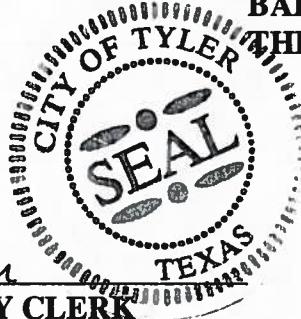
City Council reconvened from executive session at 11:47 am with no action taken.

## ADJOURNMENT

Motion by Mayor Pro Tem Bowdre to adjourn the meeting at 11:47 am; seconded by Councilmember Mezayek; motion carried 6 - 0 & meeting adjourned.

A T T E S T:

Cassandra Brager  
CASSANDRA BRAGER, CITY CLERK



*Barbara Bass*  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

*DP 1/9/14*